

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL CASE NO. 3:17-cv-00485-MR**

DANNY R. HEMBREE, JR.,)	
)	
Plaintiff,)	
)	
vs.)	
)	
FNU BRANCH, et al.,)	<u>ORDER</u>
)	
Defendants.)	
)	

THIS MATTER is before the Court on the Parties' Stipulation of Dismissal [Doc. 125].

This *pro se* civil rights action is scheduled for a bench trial on September 21, 2020. [Doc. 115]. However, the parties now stipulate pursuant to Fed. R. Civ. P. 41(a)(1)(ii) that all claims and parties are dismissed with prejudice and each party shall bear its own costs and attorney's fees. [Doc. 125].

In light of the parties' Stipulation, this case will be removed from the Court's trial calendar and the Writ of Habeas Corpus ad Testificandum for the incarcerated Plaintiff's attendance at trial will be vacated. The Clerk of Court will be instructed to terminate and close this action.

IT IS THEREFORE ORDERED that:

- (1) The bench trial set for September 21, 2020 is **CANCELLED**; and
- (2) The Writ of Habeas Corpus ad Testificandum [Doc. 116] is **VACATED**.

The Clerk's Office is respectfully instructed to mail a copy of this Order to the U.S. Marshal and the Warden of the Harnett Correctional Institution, Box 1569, Lillington, NC 27546. The Clerk is instructed to terminate and close this action.

IT IS SO ORDERED.

Signed: September 10, 2020



Martin Reidinger
Chief United States District Judge

